



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 9 2003

VIA FIRST CLASS MAIL

Richard C. Lerblance, Esq.
P. O. Box 1011
Hartshorne, OK 74547-1011

RE: MUR 4818
Michael Mass

Dear Mr. Lerblance:

On December 4, 2003, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to Mr. Mass.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed. As we discussed over the phone, once this entire matter is closed, your client's conciliation agreement will be available on the public record as required by law.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Margaret J. Toalson".

Margaret J. Toalson
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Michael Mass

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MUR 4818

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Michael Mass ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(5)(A)(i) and 11 C.F.R. § 111.18(d).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

Actors

1. Walter L. Roberts was a candidate for Oklahoma's Third Congressional District in 1998. Roberts is also an artist and the owner of an auction company ("Auction Company") located in McAlester, Oklahoma.
2. Walt Roberts for Congress (the "Committee") was the political committee within the meaning of 2 U.S.C. § 431(4) for Roberts.
3. The primary election for the Democratic nomination to represent Oklahoma's Third Congressional District, which Roberts ran in, occurred on August 25, 1998. Roberts received the most votes in the primary, but not enough to avoid a runoff election, held on September 15, 1998. The general election occurred on November 3, 1998.
4. Gene Stipe was the founder of the Stipe Law Firm (the "Firm") located in McAlester, Oklahoma, where he was a senior partner until 2003. Gene Stipe was also an Oklahoma state senator representing a portion of Southeastern Oklahoma, and a political mentor and friend to Roberts.
5. Charlene Spears was an employee at the Firm and Gene Stipe's personal assistant. Spears was involved in the Roberts' campaign, making decisions on campaign purchases, instructing staff, and handling some of the campaign's banking.
6. Michael Mass is a friend of Roberts and former Representative in the Oklahoma House of Representatives. Larry Morgan is an acquaintance of Michael Mass.

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Applicable Law

7. The Federal Election Campaign Act of 1971, as amended (the "Act"), makes it unlawful for any person to contribute to any candidate and his authorized political committee for Federal office to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).
8. It is also unlawful for any person to make a contribution in the name of another, or for any person to knowingly permit his or her name to be used to make such a contribution. Moreover, no person may knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii).

Factual Background

9. On a date uncertain, while visiting Gene Stipe at the Firm, Stipe asked Mass to funnel money to the Committee that Stipe would provide in the form of campaign contributions. Stipe asked Mass to recruit persons that could be used as straw-contributors using his money to the Committee.
10. On a date uncertain, Mass went to the Firm and picked up a check, drawn on a Firm account, from Spears for \$15,000.
11. On October 8, 1998, Mass took this check and gave the check to Larry Morgan. Mass instructed Morgan on how to handle the money from the Firm. Mass told Morgan that the reimbursement scheme is how Stipe and Spears wanted the money handled.

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12. After depositing the \$15,000 check, Larry Morgan in turn wrote Mass a check on Morgan's account for \$6,000, which Mass deposited into his personal account.
13. On October 9, 1998, Mass then took that money and made three \$1,000 contributions to the Committee. On that same date, Suzanne Mass, Mass' wife, also made three \$1,000 contributions to the Committee.
14. On October 9, 1998, Larry Morgan, Altaclair Morgan and Carolyn Trueblood each made three \$1,000 contributions to the Committee with the money that Mass provided.
15. As a result of the reimbursements, the Committee reported these contributions as from the straw contributor and not the actual contributor, Gene Stipe and the Firm. These contributions were as follows:

Straw Contributor	Conduit	Amount of Contribution	Date of Contribution	Date Report filed with FEC
Suzanne Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Suzanne Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Suzanne Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Mike Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Mike Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Mike Mass	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Larry Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Larry Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Larry Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Altaclair Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Altaclair Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Altaclair Morgan	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Carolyn Trueblood	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Carolyn Trueblood	(Mass/Morgan)	\$1,000	10/9/98	10/21/98
Carolyn Trueblood	(Mass/Morgan)	\$1,000	10/9/98	10/21/98

16. Mass knew that his contributions and those of the other straw contributors were illegal when he made them and assisted others in the making of them.

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Violations

V. Respondent Michael Mass knowingly and willfully violated 2 U.S.C. § 441f by assisting Gene Stipe in the making of excessive contributions to Walt Roberts for Congress in the names of others. Respondent will cease and desist from violating 2 U.S.C. § 441f.

Civil Penalty

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Thirty Thousand dollars (\$30,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

Other Provisions

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. Respondent shall have no more than thirty days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement.

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IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:

Rhonda J. Vording
Rhonda J. Vording
Associate General Counsel
for Enforcement

12/8/03
Date

FOR THE RESPONDENT:

Mike Mass
Michael Mass

11-11-03
Date

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